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CHURCH OF SCIENTOLOGY INTERNATIONAL
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9 UNITED STATES BANKRUPTCY COURT

10 NORTHERN DISTRICT OF CALIFORNIA

11 In re)	Case No. 95-10911 aj
)	
12 GERALD ARMSTRONG,)	[Bk.R. 9018, 9011]
)	
13)	
14 Debtor.)	Date: June 9, 1995
)	Time: 9:00 a.m.
)	CTRM: Hon. Alan
15)	Jaroslovsky
16)	

17 CHURCH OF SCIENTOLOGY INTERNATIONAL'S REPLY IN SUPPORT
18 OF MOTION TO STRIKE EVIDENCE FILED BY DEBTOR GERALD ARMSTRONG,
19 OR, IN THE ALTERNATIVE TO PERMANENTLY SEAL VOLUMES
I AND VI OF ARMSTRONG'S EVIDENCE IN SUPPORT OF MOTION
20 FOR RELIEF FROM STAY, AND FOR SANCTIONS

21 The Church's motion is a simple one. It asks the Court,
22 pursuant to Bankruptcy Court Rule 9018, to strike irrelevant filings
23 made by debtor Gerald Armstrong, some of which are inflammatory and
24 scandalous, some of which are protected trade secrets, and all of
25 which were unnecessary to the Court's determination of the Church's
26 Motion for Relief From Stay, decided on June 15, 1995. Armstrong's
27 opposition to the Church's motion simply compounds Armstrong's
28 earlier bad-faith filing, without offering the Court anything in the
way of probative argument or evidence. Indeed, the opposition is

1 comprised of a series of reasons and excuses for not complying with
2 the 1986 settlement agreement, which Armstrong has raised repeatedly
3 before the state courts, and which the state courts have uniformly
4 rejected. None of these excuses provide a reason for Armstrong's
5 bad faith response to the motion for relief from stay.

6 In its moving papers, the Church pointed out with precision
7 several confidential documents which are protected trade secrets
8 and, indeed, which were held to be protected trade secrets in Bridge
9 Publications Inc. v. Vien (S.D.Cal. 1993) 827 F.Supp. 629 at 633,
10 citing Religious Technology Center v. Scott (9th Cir. 1989) 869 F.2d
11 1306, 1309-10 (holding that the Advanced Technology can be
12 protectable as a trade secret). Armstrong has offered no evidence
13 or authority to the contrary. Instead, he simply states his opinion
14 that some of the materials in question may not have been considered
15 by the Vien court [Oppo. at 6], and asks the court to review an
16 article which predated the Vien case by eight years, but published
17 altered descriptions of one of the many pages of materials the
18 Church wishes to protect [Id. at 7]. He also claims that not only
19 does he have stolen copies of the materials, some of his friends do,
20 too. [Id. at 6-7] None of this manages to refute the clear truth:
21 Here, as in the state court, Armstrong is trying to harass the
22 Church by publishing its confidential trade secrets. Just as the
23 state court ordered that the materials in question were to be
24 shredded by the clerk, so should this Court take action to purge its
25 files of these sensitive materials.

26 The bulk of Armstrong's opposition is devoted to his self-
27 serving explanation of how "bad" and "unChristian" Scientology has
28

1 "injured" and "attacked" him. Armstrong's bizarre opinions¹, skewed
2 viewpoints², altered interpretations³, and pathological hatred⁴ for
3 his former faith, however, are simply not relevant to anything that
4 this Court has had, or will have, to decide. The Church does not
5 dispute that Armstrong believes that he is presently a devotee
6 Christian. His religious beliefs, however -- past, present, or
7 future -- are simply not relevant to his bankruptcy, not relevant to
8 a breach of contract action, and, indeed, not properly admissible in
9 a United States Court.

10 Armstrong makes but a single argument to justify his filing of
11 the seven volumes of irrelevant material. He claims, in essence
12 that his filings were offered in "response" to the Church's
13 recitation of the history of the underlying state court action.

15
16 ¹ Armstrong, for example, sees nothing incongruous about
17 giving his assets to his lawyer and other friend as a self-
18 proclaimed "renuciate," and then declaring bankruptcy to avoid
19 paying a \$100,000 judgment.

20 ² Armstrong expresses the viewpoint, for example, that he
21 was "forced" to sign the settlement agreement which netted him more
22 than half million dollars in 1986. However, at the time that he
23 signed the settlement agreement, he appeared to be quite happy with
24 it, laughing and joking with his attorneys, and swearing before a
25 notary that he signed it of his own free will. In fact, his
26 attitude at the time of the signing was recorded on videotape which
27 can be made available to the Court.

28 ³ Armstrong opines, for example, that Scientology possesses
"secret" doctrines which conflict with Christianity. His opinion is
obviously not shared by the millions of devote Christians who are
also devote Scientologist [Ex. A to Armstrong's Opposition]. His
opinion is also not supported by the millions of words which
comprise Scientology's official scripture, and which are not
appended to this memorandum.

⁴ Armstrong deliberately misinterprets Church scripture (see
Note 3), and then attacks the Church as "hypocritical" and "base,"
[Oppo. at 9], while claiming that his own words are those of God.
[Oppo. at 5:28-6:1]

1 However, the seven volumes of materials filed by Armstrong do not
2 address the underlying action except in passing. Moreover, they do
3 nothing to disprove the Church's statements that Armstrong's
4 affirmative defenses have been rejected by the courts: those
5 statements are supported by the court orders rejecting his defenses.
6 That Armstrong has, before or since, accumulated a great deal of
7 paper which he believes supports his affirmative defenses is
8 irrelevant: the issues have been adjudicated against him in the
9 state court.

10 In short, both the inflammatory documents filed by Armstrong
11 and the confidential and sacred scripture filed by Armstrong were
12 not relevant to the proceeding in which they were filed, and are not
13 relevant to anything presently pending before this Court. Some of
14 the documents are scandalous, inflammatory and prejudicial; some are
15 protected trade secrets. There was no need for Armstrong ever to
16 have filed them. Pursuant to BRC 9018, they should be stricken and
17 Armstrong sanctioned. Indeed, since the Church's motion for relief
18 has already been adjudicated, there is no justification at all for
19 retaining the documents as part of the Court's records. The
20 documents should be returned to Armstrong, or shredded.

21 Dated: June 7, 1995

Respectfully submitted,

WILSON, RYAN AND CAMPILONGO

24 By: Andrew H. Wilson
Andrew H. Wilson

Laurie J. Bartilson
BOWLES & MOXON

Attorneys for Plaintiff
CHURCH OF SCIENTOLOGY
INTERNATIONAL

PROOF OF SERVICE

I declare that I am employed in the City and County of San Francisco, California.

I am over the age of eighteen years and not a party to the within entitled action. My business address is 115 Sansome Street, Suite 400, San Francisco, California.

I am readily familiar with Wilson, Ryan & Campilongo's practice for collection and processing of correspondence for mailing with the United States Postal Service.

On June 7, 1995, I served copies of CHURCH OF SCIENTOLOGY INTERNATIONAL'S REPLY IN SUPPORT OF MOTION TO STRIKE EVIDENCE FILED BY DEBTOR GERALD ARMSTRONG, OR, IN THE ALTERNATIVE TO PERMANENTLY SEAL VOLUMES I AND VI OF ARMSTRONG'S EVIDENCE IN SUPPORT OF MOTION FOR RELIEF FROM STAY, AND FOR SANCTIONS on the following in said cause, by placing for deposit with the United States Postal Service on this day in the ordinary course of business, true copies thereof enclosed in sealed envelopes. The envelopes were addressed as follows:

Office of the United States Trustee
250 Montgomery Street, Suite 1000
San Francisco, CA 94104

Gerald Armstrong
715 Sir Francis Drake Blvd.
San Anselmo, CA 94960-1949

Linda Sorenson, Esq.
FELDMAN, WALDMAN & KLINE
2700 Russ Building
235 Montgomery Street
San Francisco, CA 94104-3160

Jeffrey G. Locke, Trustee
P.O. Box 488
Kentfield, CA 94914-0488

I declare under the penalty of perjury under the laws of the

1 State of California that the foregoing is true and correct.

2 Executed at San Francisco, California on June 7, 1995.

3 Colleen Y. Palmer
4 COLLEEN Y. PALMER
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